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February 15, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 57 – January 2012
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On January 5, the CPG, EPA, and CPG and EPA contractors held a conference call to discuss the planned Low Resolution Coring Supplemental Sampling Program (LRC SSP) coring locations and other LRC SSP QAPP revisions.
- On January 13, EPA and CPG held a follow-up meeting regarding Risk Assessment Dispute Resolution issues.
- On January 24, EPA and CPG held a conference call to discuss use of 2 liter volume samples in limited locations during the Small Volume Chemical Water Column Monitoring (SV CWCM) Routine Event #2 field program.
- On January 24, EPA and CPG met to discuss the complete data set for the River Mile (RM) 10.9 Characterization program.

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Correspondence

- On January 4, CPG received the EPA Region 2 Staff Statement of Position on outstanding issues in the Dispute Resolution process.
- On January 5, CPG provided coordinates for the planned LRC SSP coring locations to EPA.
- On January 5, EPA approved the revised LRC SSP QAPP Response to Comments (RTC) and requested the addition of one sampling location near RM 10.9. The QAPP was tentatively approved pending receipt of the revised QAPP and field work was tentatively approved to begin on January 9.
- On January 16, CPG provided EPA a summary of samples collected during the LRC SSP program through January 13, 2012.
- On January 16, CPG submitted the Monthly Progress Report to EPA.
- On January 19, CPG provided EPA with the crab length and mass detail from the Fish/Crab Data Report.
- On January 19, CPG uploaded the revised LRC SSP QAPP to the EPA SharePoint Site.
- On January 24, CPG provided EPA a summary of samples collected during the LRC SSP program through January 20, 2012.
- On January 26, CPG and EPA exchanged emails regarding the revisions to the LRC SSP QAPP Standard Operating Procedures (SOPs).
- On January 30, CPG submitted to EPA a Field Modification request to adjust LRC SSP coring locations based on utility clearances.
- On January 31, CPG uploaded the revised 2010 Benthic Invertebrate Community Survey Report to the EPA SharePoint Site.
- On January 31, CPG uploaded the 2009 Sediment Toxicity Test Report to the EPA SharePoint Site.
- On January 31, CPG provided EPA a summary of samples collected during the LRC SSP program through January 27, 2012.
- On January 31, CPG submitted a Field Modification to EPA for the LRC SSP requesting relocation of fourteen sampling locations due to utility clearance concerns.

Work

- CPG completed chemical analysis of samples collected during the RM 10.9 Characterization field activities.
- CPG continued data validation of the RM 10.9 Characterization data.
- CPG contacted candidate vendors for RM 10.9 pilot studies.
- CPG continued planning for the SV CWCM Routine Event #2.

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- CPG initiated planning for SV CWCM High Flow Event #1.
- CPG continued planning activities for the High Volume Chemical Water Column Monitoring (HV CWCM) QAPP Addendum.
- CPG completed response to comments on the LRC SSP QAPP.
- CPG initiated the LRC SSP field activities and analysis of sediment samples.
- CPG continued work on revisions to the RM 10.9 Bathymetry Survey report.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG continued work on the RM 10.9 Hydrodynamic Study Report.
- CPG completed drafting the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting the winter/spring 2011 Avian Survey Report.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

(b) Results of Sampling and Tests

- On January 5, CPG submitted the RM 10.9 Bathymetry Survey data to EPA and CDM.
- On January 11, CPG submitted interim and unvalidated data for the RM 10.9 Characterization received through January 6, 2012.
- On January 16, CPG uploaded the original laboratory EDDs received during December for the RM 10.9 Characterization activities to the EPA SharePoint site.
- On January 19, CPG submitted a summary of validated data from the SV CWCM Event #1 to EPA.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will complete implementation of the LRC SSP field activities.
- CPG will continue laboratory analysis of the LRC SSP samples.
- CPG will initiate validation of LRC SSP data.
- CPG will conduct the SV CWCM Routine Event #2 field activities.

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- CPG will conduct the SV CWCM High Flow Event #1 field activities (weather dependent).
- CPG will complete validation of the RM 10.9 Characterization data.
- CPG will continue drafting the RM 10.9 Characterization Data report.
- CPG will propose a plan to collect RM 10.9 sediment samples for bench-scale testing of beneficial reuse technologies.
- CPG will continue planning discussions with vendor candidates for RM 10.9 pilot studies.
- CPG will complete drafting the RM 10.9 Hydrodynamic Study report.
- CPG will complete drafting the Post-Hurricane Irene Bathymetric Survey of the LPR report.
- CPG will complete drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.
- CPG will complete drafting the 2011 Avian Survey Report.
- CPG will continue to revise the risk assessment planning documents (Background/Reference Site, Ecological Life History Profiles, and Data Usability documents) in response to EPA comments.
- CPG will initiate drafting the HV CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. An EPA and CPG collaboration meeting was conducted in January 2012; this and previous meetings are providing an opportunity for both modeling teams to understand difference

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between each team's approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.

- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011 and that the execution of the AOC between EPA and Tierra or other signatories has been completed. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.
- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012 and CPG is awaiting receipt of EPA's final resolution.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.


Willard F. Potter
Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
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